

1 IGNACIA S. MORENO, Assistant Attorney General
2 SETH M. BARSKY, Section Chief
3 DANIEL J. POLLAK, Trial Attorney
4 U.S. Department of Justice
Environment and Natural Resources Division
5 Wildlife and Marine Resources Section
Ben Franklin Station, P.O. Box 7369
Washington, D.C. 20044-7369
6 (202) 305-0201 (tel)
7 (202) 305-0275 (fax)

8 Attorneys for Federal Defendants

9 JACLYN LOPEZ (CA Bar No. 258589)
LISA T. BELENKY (CA Bar No. 203225)
10 Center for Biological Diversity
351 California Street, Suite 600
11 San Francisco, CA 94104
12 Phone: (415) 436-9682 x. 305
13 Fax: (415) 436-9683

14 Attorneys for Plaintiffs

15 UNITED STATES DISTRICT COURT

16 FOR THE NORTHERN DISTRICT OF CALIFORNIA

18 CENTER FOR BIOLOGICAL DIVERSITY, and)
THE BAY INSTITUTE)
19)
Plaintiffs,)
20)
v.)
21)
22)
23)
24 KEN SALAZAR, SECRETARY OF)
DEPARTMENT OF)
25 INTERIOR, and U.S. FISH AND)
WILDLIFE SERVICE;)
26)
Defendants.)

) Case No. 3:09-cv-05370-MHP
JOINT STATUS REPORT AND
STIPULATED REQUEST FOR
ORDER EXTENDING STAY

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2 On October 28, 2010, Plaintiffs Center for Biological Diversity and The Bay Institute
3 (collectively “the Center”), and Federal Defendants Secretary Salazar and the U.S. Fish and
4 Wildlife Service (collectively “Federal Defendants”) filed a stipulated request for a 60-day stay
5 of this litigation while the parties engaged in settlement negotiations. (Dkt. 44) The Court
6 granted this request on October 29, and ordered that the parties file a joint status report on or
7 before December 28 on the status of such negotiations. (Dkt. 45). The parties herein provide
8 their Joint Status Report and respectfully request an order from this Court extending the stay an
9 additional 60 days, until February 25, 2011.

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11 JOINT STATUS REPORT
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13 Counsel for the parties have reached agreement in principle on substantive terms of a
14 settlement. Counsel for Federal Defendants is recommending that these terms be approved by
15 the appropriate officials in the U.S. Fish and Wildlife Service, Department of Interior, and
16 Department of Justice. The parties are also negotiating regarding Plaintiff’s reasonable
17 attorney’s fees and costs, and Plaintiff has submitted a request for fees and costs that is under
18 review by Defendants.
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20 STIPULATED REQUEST FOR FURTHER STAY OF PROCEEDINGS
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22 Given that settlement negotiations have progressed and are continuing, the parties submit
23 that judicial economy would best be served by a further 60-day stay of this litigation. The Parties
24 therefore request, Pursuant to Civil Local Rule (“Civ. L.R.”) 6-2, that the Court grant an order
25 staying this litigation until February 25, 2011, by which time, if the parties have not filed a
26 settlement agreement, they will file a joint status report advising the Court of the status of their
27

1 settlement discussions and describing whether additional time is needed to complete settlement,
2 or whether a new briefing schedule and hearing date should be set.
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4 Dated: December 27, 2010
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6 IGNACIA S. MORENO, Assistant Attorney General
7 SETH M. BARSKY, Section Chief
8

9 /s/ Daniel Pollak
10 DANIEL POLLAK
11 Trial Attorney
12 U.S. Department of Justice
13 Environment & Natural Resources Division
14 Wildlife & Marine Resources Section
15 Ben Franklin Station
16 P.O. Box 7369
17 Washington, DC 20044-7369
18 Phone: (202) 305-0201
19 Fax: (202) 305-0275
20 Email: daniel.pollak@usdoj.gov
21

22 Attorneys for Federal Defendants
23

24 /s/ Jaclyn Lopez (with permission)
25 JACLYN LOPEZ (CA Bar No. 258589)
26 LISA T. BELENKY (CA Bar No. 203225)
27 Center for Biological Diversity
351 California Street, Suite 600
San Francisco, CA 94104
Phone: (415) 436-9682 x. 305
Fax: (415) 436-9683
Email: jlopez@biologicaldiversity.org
lbelenky@biologicaldiversity.org
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29 Attorneys for Plaintiffs
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1 PURSUANT TO STIPULATION, IT IS SO ORDERED.
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3 Dated: January 3, 2011

4 Honorable Marilyn H. Patel
5 United States District Court
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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of December, 2010, I caused a copy of the foregoing Joint Status Report and Stipulated Request for Order Extending Stay to be served on the counsel of record by means of the Court's electronic filing system:

Jaclyn M Lopez
jlopez@biologicaldiversity.org

Lisa T. Belenky
lbelenky@biologicaldiversity.org

/s/ Daniel Pollak
DANIEL POLLAK